

REALNET.034A

Patent

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 11 2003

Technology Center 2100

In re Application of:

Pitzel, et al.

Application No.: 09/318,438

Filed: February 8, 1999

For: **SYSTEM AND METHOD FOR
UPDATING INFORMATION
VIA A NETWORK**

Examiner: Das, Chameli

Group Art Unit: 2122

CERTIFICATE OF TRANSMISSION/MAILING

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Typed or Printed: Steven C. Stewart

Signature:  Date: 07/5/2003

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**PROPOSED AMENDMENT
DO NOT ENTER - FOR DISCUSSION PURPOSES ONLY**

Dear Sir:

This communication is being submitted in response to the Office Action dated April 16, 2003. Applicant would like to thank the Examiner for agreeing to meet with Applicant's representative on July 22, 2003. Applicant respectfully requests reconsideration of the captioned application in light of the following amendments and remarks.

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determining whether the expiration time indicates that the configuration file has expired; and

stopping said identifying upon the determination that the configuration has expired.

5. (Previously Amended) The method of Claim 2, additionally comprising reading only an identifier in the configuration file; and sending at least a portion of the contents of the configuration file to a component server.
6. (Presently Amended) The method of Claim 2, additionally comprising: sending at least some of the contents of the configuration file to a component server, the component server performing said identifying.
7. (Previously Amended) The method of Claim 2, additionally comprising reading an identifier in the configuration file; and sending at least a portion of the configuration file to a component server.
8. (Original) The method of Claim 2, additionally comprising storing the configuration file on a configuration server.
9. (Presently Amended) The method of Claim 1, wherein the software configuration includes the existence of one or more computer-readable modules on the client computing device.
10. (Presently Amended) The method of Claim 1, wherein the software configuration includes a language that is associated with one or more computer-readable modules that reside on the client computing device.
11. (Presently Amended) The method of Claim 1, wherein the software configuration includes a type of operating system that is executing on the client computing device.

12. (Presently Amended) The method of Claim 1, additionally comprising: identifying one or more programs upon receiving the request, the one or more programs being associated with at least one of said first one or more components.
13. (Presently Amended) A computer system having a configuration subject to change over time, the system comprising:
- a first computer having one or more system resources;
 - a second computer operably connected to the first computer, the second computer associated with one or more installable components and equipped to receive a request for an upgrade of one or more components from the first computer;
 - a configuration file that is readable by the first computer, the configuration file identifying at least one component to be upgraded;
 - an upgrade manager executing on the first computer, the upgrade manager configured to transmit information about the system resources of the first computer to the second computer, the information including indication of components of an operating system that is executing in the first computer; and
 - an upgrade handler executing on the second computer, the upgrade handler configured to identify the location of one or more installable components ~~from the second computer to the first computer~~ based upon the at least one component to be upgraded and the system resources of the first computer including the indication of components of an operating system that is executing in the first computer.
14. (Original) The computer system of Claim 13, wherein the configuration file is formatted for access by the upgrade handler.
15. (Original) The computer system of Claim 13, wherein the configuration file has an associated expiration time.

16. (Original) The computer system of Claim 13, wherein the upgrade manager retrieves the configuration file without parsing contents of the configuration file and wherein the upgrade manager transmits the configuration file to the upgrade handler.
17. (Presently Amended) The computer system of Claim 13, wherein the upgrade manager parses the content of the of the configuration file and transmits the content to the upgrade handler.
18. (Original) The computer system of Claim 13, additionally comprising a network, the first computer being in operable communication with the second computer via the network.
19. (Presently Amended) A system for installing one or more components on a client computing device, the system including:
- a client computing device operably connected with a network, the client computing device identifying one or more client conditions including operating system components that are executing on the client computing device;
 - a configuration file identifying at least one of the components, the configuration file being provided to the client computing device by a configuration computer via a network; and
 - a component server for receiving the client conditions and the configuration file from the client computing device, the component server identifying the location of one or more components based upon the components identified by the configuration file and the client conditions including the type of identified operating system components that are executing on the client computing device.
20. (Presently Amended) A system for selecting components for installation on a client computing device, the system comprising:
- means for receiving a request for the upgrade of one or more components from a client computing device via a network;

means for determining one or more system conditions regarding the client computing device, the system conditions including a type of operating system that is executing on the client computing device; ~~and~~

means for identifying one or more components based upon the request and the system conditions including the type of operating system that is executing on the client computing device; and

transmitting the identified components to the client computing device via the network;

21. (Original) The system of Claim 20, additionally comprising means for receiving a configuration file that is associated with the request for the upgrade, the configuration file identifying one or more components to be upgraded.

22. (Original) The system of Claim 21, additionally including means for associating an expiration time with the configuration file.

23. (Original) The system of Claim 22, additionally comprising:

means for determining whether the expiration time indicates that the configuration file has expired; and

means for stopping the means for identification upon a determination that the configuration file has expired.

24. (Original) The method of Claim 21, additionally comprising means for sending the configuration file to a component server, the component server including the means for identifying.

25. (Original) The system of Claim 21, additionally comprising means for sending at least some of the contents of the configuration file to a component server, the component server including the means for identifying.

26. (Original) The system of Claim 21, additionally comprising means for storing the configuration file on a configuration server.

27. (Original) The system of Claim 20, wherein the system conditions include the existence of one or more computer readable modules on the computer.

28. (Original) The system of Claim 20, wherein the system conditions include a language that is associated with one or more computer-readable modules that reside on the computer.

29. (Original) The system of Claim 20, wherein the system conditions include the type of operating system that is executing on the computer.

30. (Original) The system of Claim 20, additionally comprising means for identifying one or more program files upon receiving the request, the one or more program files being associated with at least one of said one or more components.

31. Cancelled

32. (Presently Amended) A method of selecting components for installation on a computer, the method comprising the acts of:

receiving a request for the upgrade of one or more components from a computer on a network; ~~and~~

identifying one or more components for installation on the computer based upon the request and the system conditions of the computer, the system conditions including a characteristic of an operating system that is executing on the computer and;

transmitting the identified components to the computer via the network.

33. (Presently Amended) The method of Claim 32, additionally comprising receiving a configuration file that is associated with the request for the upgrade, the configuration file identifying said one or more components.

34. (Presently Amended) The method of Claim 32, additionally comprising associating an expiration time with the configuration file.

35. (Presently Amended) The method of Claim 34, additionally comprising :
determining whether the expiration time indicates that the configuration file has expired; and
stopping the identification step upon the determination that the configuration has expired.
36. (Presently Amended) The method of Claim 33, additionally comprising sending the configuration file to a component server, the component server performing the identifying step.
37. (Presently Amended) The method of Claim 33, additionally comprising sending at least some of the contents of the configuration file to a component server, the component server performing the identifying step.
38. (Presently Amended) A system for selecting components for installing, the system comprising:
a client computing device having a processor, a computer-readable storage medium and data communication subsystem; and
an upgrade manager executing on the client computing device, wherein the upgrade manager retrieves via the data communication subsystem a configuration file identifying one or more components, wherein the upgrade manager stores the configuration file in the computer-readable storage medium, and wherein the upgrade manager identifies one or more client conditions that are associated with the client computing device, the client conditions including features of an operating system that is executing on the client computing device, and wherein the upgrade manager generates an upgrade request that includes the contents of the configuration file and the client conditions including the type of operating system that is executing on the client computing device, the upgrade manager transmitting the upgrade request to a server computer and in response receiving components that have been selected based upon the contents of the

configuration file and the type of operating system that is executing on the client computing device.

39. (Presently Amended) A system for selecting components for installation, the system comprising:

a server computer having a processor, a computer-readable storage medium and data communication subsystem; and

an upgrade handler residing in the computer-readable storage medium and executing on the server computer, the upgrade handler configured to identify the location of one or more components upon receiving via the data communication subsystem one or more system conditions of a client computing device, the system conditions including indications about an operating system that is executing on the client computing device, the identified components being compatible with the operating system that is executing on the client computing device, and the server computer transmitting the location of the identified components to the client computing device.

40. Cancelled.

41. (Presently Amended) A method of selecting components for installation on a computer, the method comprising:

determining one or more client conditions regarding the computer, the client conditions including one or more operating system components that are executing on the computer;

transmitting a request for the upgrade of one or more components to a server computer via a network, the request for upgrade including the determined client conditions; and

receiving the requested components, the components being compatible with the operating system that is executing on the computer;

installing one or more components on the computer ~~based upon the client conditions.~~

42. (Previously Added) The method of Claim 41, additionally comprising:
Receiving a configuration file in response to the request for the upgrade,
the configuration file being related to at least one of the components.
43. (Previously Added) The method of Claim 42, further comprising
associating an expiration time with the configuration file.
44. (Previously Added) The method of Claim 42, further comprising:
determining whether the expiration time indicates that the configuration
file has expired; and
stopping the identification step upon the determination that the
configuration has expired.
45. (Previously Added) The method of Claim 42, additionally comprising:
sending the configuration file to a component server to identify one or more of
the components.
46. (Previously Added) The method of Claim 42, additionally comprising:
sending at least some of the contents of the configuration file to a component
server to identify one or more of the components.
47. (Previously Added) The system of Claim 19, wherein the client conditions
include a user identification number that is associated with the user.
48. (Previously Added) The system of Claim 19, wherein the client conditions
include a preferred language.
49. Cancelled
50. Cancelled

51. (Previously Added) The system of Claim 38, wherein the client conditions includes a user identification number that is associated with the user.

52. (Previously Added) The system of Claim 38, wherein the client conditions include a preferred language.

53. (Previously Added) The system of Claim 39, wherein the client conditions include a user identification number that is associated with the user.

54. (Previously Added) The system of Claim 39, wherein the client conditions include a preferred language.

55. Cancelled.

56. Cancelled.

57. (Newly presented) A data distribution network comprising:
a client computer operative to execute a computer operating system stored on a computer readable storage device communicatively coupled to the client computer and to store a client profile indicating a system resource condition for the client computer on the computer readable storage device;
a server computer communicatively coupled to the client computer via the network, the server computer associated with one or more installable software components and equipped to receive a request for an upgrade of one or more of the software components from the client computer;
a configuration file stored at the server computer that is accessible by the client computer, the configuration file identifying at least one upgradeable software component to be requested by the client computer as a software component to be upgraded;
an upgrade manager executing on the client computer, the upgrade manager configured to transmit information about the system resource condition

of the client computer to the server computer via the network, the information about the system resource condition identifying software components of an operating system executing on the client computer; and

an upgrade handler executing on the server computer, the upgrade handler configured to identify the location of at least one upgradeable software component requested by the client computer as a software component to be upgraded based upon the request and the system resource condition of the client computer including the identified software components of the operating system that is executing in the client computer.

58. (Newly Presented) The computer system of Claim 57, wherein the upgrade manager parses the content of the configuration file and transmits the content to the upgrade handler.

59. (Newly Presented) A system for installing one or more streaming media associated files on a client computing device, the system including:

a client computing device communicatively coupled with a communications network, the client computing device identifying one or more client conditions including operating system components that are executing on the client computing device;

a configuration computer communicatively coupled to the client computing device via the network to provide the client computing device with access to a configuration file identifying at least one of the operating system components as having an upgraded version available for download by the client computing device upon request; and

a component server for receiving a request from the client computing device requesting an upgraded version of one or more operating system components as well as a representation of the client conditions and the configuration file from the client computing device, and in response the component server identifying to the client computing device the location of one or more streaming media components other than the requested one or more

operating system components that are also determined to be necessary for operation of the requested one or more operating system components by the client computing device, the streaming media components determined based upon the operating system components identified by the configuration file and based upon the client conditions including the operating system components that are executing on the client computing device.

60. (Newly Presented) The system of Claim 59, wherein the configuration file identifies one or more streaming media components.

61. (Newly Presented) A client computing device comprising:
a processor, a computer-readable storage medium and data communication subsystem; and
an upgrade manager stored on the computer-readable storage medium and operable to:
retrieve via the data communication subsystem a configuration file identifying one or more software components for which an upgrade is available for download,
store the configuration file in the computer-readable storage medium,
identify one or more client conditions that are associated with the client computing device, the client conditions including features of an operating system that is executing on the client computing device,
generate an upgrade request that includes at least a portion of the contents of the configuration file and the client conditions including the type of operating system that is executing on the client computing device,
transmit the upgrade request to one or more of a plurality of server computers and in response, receive one or more components that have been selected by the client computing device and at least one component in addition to those selected based upon the contents of the configuration file and the type of operating system that is executing on the client computing device.

62. The client computing device of claim 61, wherein the one or more of a plurality of server computers are identified by the configuration file.

63. The client computing device of claim 61, wherein configuration file identifies one or more streaming media associated components for which an upgrade is available for download.

64. The client computing device of claim 61, wherein the at least one component in addition to those selected comprise streaming media associated components.

REMARKS

In the Office Action dated April 16, 2003, claims 13-18 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-2, 5-4, 16-21, 24-30, 32-33, 36-39, 41-42, 45-48, and 51-54 were rejected under 35 U.S.C. §102(e) as being anticipated by US patent no. 6,151,643 issued to Cheng et al. (herein after "Cheng"). Lastly, claims 3, 4, 15, 22-23, 31, 34-35, 40, 43-44, 49-50, and 55-56 were rejected under 35 U.S.C. §102(e) as being unpatentable over Cheng.

Applicant has cancelled claims 31, 40, 49-50 and 55-56 without prejudice. Additionally, Applicant has added claims 57-64. Accordingly, claims 1-30, 32-39, 41-48, 51-54, and 57-64 are currently pending.

Claim Objections

Claim 55 was objected to due to a typographical error appearing in the claim. Applicant has cancelled claim 55, thereby rendering moot Examiner's objection to claim 55.

Claim Rejections Under 35 U.S.C. §112

Claims 13-18 were rejected as being indefinite. In particular, claim 13 was said to not recite a "request" for any component. Applicant has amended claim 13 to more clearly recite "a second computer operably connected to the first computer, the second computer associated with one or more installable components *and equipped to receive a request for an upgrade of one or more*

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components from the first computer..." As such, Applicant respectfully requests that the §112 rejection be removed.

Claim Rejections Under 35 U.S.C. §102

Claim 1

Claim 1 (as amended) recites a method of selecting software components for installation on a client computer. The method comprises:

receiving from the client computer, a request for the upgrade of a first software component capable of being processed by the client computer;

receiving configuration information regarding a software configuration of the client computer including information regarding at least one additional software component that is ***necessary for the execution of the first software component and that has been determined to be missing from the client computer,***

identifying one or more software components for installation on the client computer based at least in part upon the request and the configuration information, the second one or more software components including the at least one additional software component ***determined to be missing from the client computer;*** and

transmitting the second one or more software components to the client computer. (emphasis added)

Thus, a client computer makes a request for an upgraded software component. Configuration information is received from the client computer including information regarding at least one additional software component that (a) is necessary for the execution of the software component that is to be upgraded by the client computer, and (b) has been determined to be missing from the client computer. Based at least in part upon this configuration information, software components (including the additional software component

determined to be missing from the client computer) are identified for installation on the client computer, and are transmitted to the client computer.

Applicant respectfully submits that claim 1 as amended is not taught or suggested by Cheng. Applicant respectfully submits that **in Cheng, it is only the software *updates* themselves that are retrieved and not additional software components needed to support the updates yet missing from the client computer.** In contrast, in claim 1, additional software components that are determined to be missing from the client computer and that are necessary for the execution of the requested software update are also retrieved.

For at least the reasons, Applicant respectfully submits that claim 1 is not anticipated by Cheng and is therefore in condition for allowance.

Claims 13, 19, 20, 32, 38, 39 and 41

Independent claim 13, as amended, recites in part:

"...to transmit information about the system resources of the first computer to the second computer, the information including indication of components of an operating system that is executing in the first computer...and to identify the location of one or more installable components based upon the at least one component to be upgraded and the system resources of the first computer including the indication of components of an operating system that is executing in the first computer."

Applicant respectfully submits that Cheng does not teach or suggest determining the type of operating system that is executing on the client machine so as to identify the correct version of a requested component. Examiner asserts, "the client application [of Cheng] is an operating system which is executing in the computer because client application includes all the information

about the installation procedures, installation programs, files and performs the installation process..."

Applicant respectfully submits that the Examiner's assertion is contrary to the commonly accepted usage of the terms "application" and "operating system". In particular, an operating system provides a software platform such as UNIX, LINUX, DOS, OS/2, Windows 3.X, Windows 95, Windows 98, and Windows NT, on top of which application programs can run. Furthermore, Figure 9 of Cheng's disclosure illustrate client application 104 and operating system 917 being two distinct components of client computer 101.

Applicant respectfully submits that for at least the reasons stated above, independent claim 13 is not anticipated by Cheng and is therefore allowable. Furthermore, due at least to their dependency on claim 13, dependent claims 14, and 16-18 are similarly allowable.

Each of independent claims 19, 20, 32, 38, 39 and 41 recite similar limitations to those recited by claim 13. In particular, claim 19 recites, "...based upon the components identified by the configuration file and the client conditions including the type of identified operating system components that are executing on the client computer." Claim 20 recites, "...means for identifying one or more components based upon the request and the system conditions including the type of operating system that is executing on the client computer." Claim 32 recites, "...the system conditions including a characteristic of an operating system that is executed on the computer..." Claim 38 recites, "...wherein the upgrade manager generates an upgrade request that includes the contents of

the configuration file and the client conditions including the type of operating system that is executing on the client computer." Claim 39 recites, "...the system conditions including indications about an operating system that is executing on the client computer, the identified components being compatible with the operating system that is executing on the client computer..." Claim 41 recites, "receiving the requested components, the components being compatible with the operating system that is executing on the computer..."

Accordingly, Applicant respectfully submits that for at least the reasons stated above with respect to claim 13, claims 19, 20, 32, 38, 39 and 41 are likewise allowable.

Claims 2, 5-12, 14, 16-18, 21, 24-30, 33, 36-37, 47-48, and 51-52

Due at least to their dependency on one of claims 1, 13, 19, 20, 32, 38, 39 and 41, Applicant respectfully submits that claims 2, 5-12, 14, 16-18, 21, 24-30, 33, 36-37, 47-48, and 51-52 are allowable for at least the reasons discussed above.

Claim Rejections Under 35 U.S.C. §103

Claims 3, 4, 15, 25, 22-23, 34-35, and 43-44

In Claims 3, 4, 15, 25, 22-23, 34-35, and 43-44, Official Notice was taken as to "determining expiration time and stopping the identification step". Applicant respectfully reminds Examiner that MPEP §2144.03 states that "Official notice unsupported by documentary evidence should only be taken by the Examiner

where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known." Furthermore, §2144.03 continues to state, "it might not be unreasonable for the examiner in a first Office action to take official notice of facts by asserting that certain limitations in a dependent claim are old and well known expedients in the art without the support of documentary evidence provided the facts so noticed are of notorious character and serve only to 'fill in the gaps' which might exist in the evidentiary showing made by the examiner to support a particular ground of rejection. *In re Zurko*, 258 F.3d 1379, 1385, 59 USPQ2d 1693, 1697 (Fed. Cir. 2001); *Ahlert*, 424 F.2d at 1092, 165 USPQ at 421."

Applicants respectfully traverse Examiner's rejections to claims 3, 4, 15, 25, 22-23, 34-35, and 43-44. Applicants submit that the subject matter contained in claims 3, 4, 15, 25, 22-23, 34-35, and 43-44 is not well-known nor is common knowledge to the extend required by §2144.03. Applicant concedes that the use of a file creation date and time may be well-known in the art. However, the use of an expiration time in association with a configuration file, and moreover, the use of an expiration time to stop identification of one of more components upon expiration of the configuration is not well-known. For example, in one embodiment of Applicant's invention, the expiration time is a time by which an upgrade installation process is to be completed, otherwise, the component server will refuse to complete the transaction. Since the configuration file may be copied to other computers, the use of the expiration

time can advantageously be used to limit the lifespan of the configuration file, and prevent others from hosting the configuration file. Applicant once again submits that such functionality is not notoriously well-known in the prior art.

Accordingly, since claims 3, 4, 15, 25, 22-23, 34-35, and 43-44 do not cure the deficiencies stated with respect to Cheng, Applicant respectfully requests Examiner to further allow claims 3, 4, 15, 25, 22-23, 34-35, and 43-44.

Claims 49, 50 and 55

For the purpose of prosecutorial expediency, Applicants have cancelled claims 49, 50 and 55 without prejudice, thereby rendering Examiner's rejection to these claims as moot.

Claims 31, 40 and 56

For the purpose of prosecutorial expediency, Applicants have cancelled claims 31, 40 and 56 without prejudice, thereby rendering Examiner's rejection to these claims as moot. However, the Examiner took Official Notice to claims 31, 40 and 56. Notwithstanding their being cancelled, Applicant disagrees with Examiner's assertions with respect to claims 31, 40 and 56 and hereby reserves the right to argue the merits of the subject matter of claims 31, 40 and 56 in the future.

Summary

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Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims for patentability purposes, the reasons therefore, and arguments in support of the patentability of the pending claim set are presented above. Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and the claims would satisfy the statutory requirements for patentability without the entry of such amendments. In addition, such amendments do not narrow the scope of the claims. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner has any questions which may be answered by telephone or is willing to discuss making the proposed amendment official, she is invited to call the undersigned directly. Alternatively – applicant will call the Examiner by Aug. 15th to discuss making the proposed amendment official.

Respectfully submitted,

REALNETWORKS, Assignee of Record



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Date: August 7, 2003

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Claims as presented without Redline or Redactions

1. (Presently Amended) A method of selecting software components for installation on a client computing device, the method comprising:
 - receiving from the client computing device, a request for the upgrade of a first software component capable of being processed by the client computing device;
 - receiving configuration information regarding a software configuration of the client computing device including information regarding at least one additional software component that is necessary for the execution of the first one software component and that has been determined to be missing from the client computing device;
 - identifying a second one or more software components for installation on the client computing device based at least in part upon the request and the configuration information, the second one or more software components including the at least one additional software component determined to be missing from the client computing device; and
 - transmitting the second one or more software components to the client computing device.
2. (Presently Amended) The method of Claim 1, additionally comprising the act of receiving a configuration file that is associated with the request for the upgrade, the configuration file identifying at least said first one or more components.
3. (Presently Amended) The method of Claim 2, additionally comprising associating an expiration time with the configuration file.
4. (Presently Amended) The method of Claim 3, additionally comprising:
 - determining whether the expiration time indicates that the configuration file has expired; and
 - stopping said identifying upon the determination that the configuration has expired.

5. (Previously Amended) The method of Claim 2, additionally comprising reading only an identifier in the configuration file; and sending at least a portion of the contents of the configuration file to a component server.
6. (Presently Amended) The method of Claim 2, additionally comprising: sending at least some of the contents of the configuration file to a component server, the component server performing said identifying.
7. (Previously Amended) The method of Claim 2, additionally comprising reading an identifier in the configuration file; and sending at least a portion of the configuration file to a component server.
8. (Original) The method of Claim 2, additionally comprising storing the configuration file on a configuration server.
9. (Presently Amended) The method of Claim 1, wherein the software configuration includes the existence of one or more computer-readable modules on the client computing device.
10. (Presently Amended) The method of Claim 1, wherein the software configuration includes a language that is associated with one or more computer-readable modules that reside on the client computing device.
11. (Presently Amended) The method of Claim 1, wherein the software configuration includes a type of operating system that is executing on the client computing device.
12. (Presently Amended) The method of Claim 1, additionally comprising: identifying one or more programs upon receiving the request, the one or more programs being associated with at least one of said first one or more components.

13. (Presently Amended) A computer system having a configuration subject to change over time, the system comprising:

a first computer having one or more system resources;

a second computer operably connected to the first computer, the second computer associated with one or more installable components and equipped to receive a request for an upgrade of one or more components from the first computer;

a configuration file that is readable by the first computer, the configuration file identifying at least one component to be upgraded;

an upgrade manager executing on the first computer, the upgrade manager configured to transmit information about the system resources of the first computer to the second computer, the information including indication of components of an operating system that is executing in the first computer; and

an upgrade handler executing on the second computer, the upgrade handler configured to identify the location of one or more installable components based upon the at least one component to be upgraded and the system resources of the first computer including the indication of components of an operating system that is executing in the first computer.

14. (Original) The computer system of Claim 13, wherein the configuration file is formatted for access by the upgrade handler.

15. (Original) The computer system of Claim 13, wherein the configuration file has an associated expiration time.

16. (Original) The computer system of Claim 13, wherein the upgrade manager retrieves the configuration file without parsing contents of the configuration file and wherein the upgrade manager transmits the configuration file to the upgrade handler.

17. (Presently Amended) The computer system of Claim 13, wherein the upgrade manager parses the content of the configuration file and transmits the content to the upgrade handler.

18. (Original) The computer system of Claim 13, additionally comprising a network, the first computer being in operable communication with the second computer via the network.

19. (Presently Amended) A system for installing one or more components on a client computing device, the system including:

- a client computing device operably connected with a network, the client computing device identifying one or more client conditions including operating system components that are executing on the client computing device;

- a configuration file identifying at least one of the components, the configuration file being provided to the client computing device by a configuration computer via a network; and

- a component server for receiving the client conditions and the configuration file from the client computing device, the component server identifying the location of one or more components based upon the components identified by the configuration file and the client conditions including the type of identified operating system components that are executing on the client computing device.

20. (Presently Amended) A system for selecting components for installation on a client computing device, the system comprising:

- means for receiving a request for the upgrade of one or more components from a client computing device via a network;

- means for determining one or more system conditions regarding the client computing device, the system conditions including a type of operating system that is executing on the client computing device;

means for identifying one or more components based upon the request and the system conditions including the type of operating system that is executing on the client computing device; and

transmitting the identified components to the client computing device via the network;

21. (Original) The system of Claim 20, additionally comprising means for receiving a configuration file that is associated with the request for the upgrade, the configuration file identifying one or more components to be upgraded.

22. (Original) The system of Claim 21, additionally including means for associating an expiration time with the configuration file.

23. (Original) The system of Claim 22, additionally comprising:

means for determining whether the expiration time indicates that the configuration file has expired; and

means for stopping the means for identification upon a determination that the configuration file has expired.

24. (Original) The method of Claim 21, additionally comprising means for sending the configuration file to a component server, the component server including the means for identifying.

25. (Original) The system of Claim 21, additionally comprising means for sending at least some of the contents of the configuration file to a component server, the component server including the means for identifying.

26. (Original) The system of Claim 21, additionally comprising means for storing the configuration file on a configuration server.

27. (Original) The system of Claim 20, wherein the system conditions include the existence of one or more computer readable modules on the computer.

28. (Original) The system of Claim 20, wherein the system conditions include a language that is associated with one or more computer-readable modules that reside on the computer.

29. (Original) The system of Claim 20, wherein the system conditions include the type of operating system that is executing on the computer.

30. (Original) The system of Claim 20, additionally comprising means for identifying one or more program files upon receiving the request, the one or more program files being associated with at least one of said one or more components.

31. Cancelled

32. (Presently Amended) A method of selecting components for installation on a computer, the method comprising the acts of:

receiving a request for the upgrade of one or more components from a computer on a network;

identifying one or more components for installation on the computer based upon the request and the system conditions of the computer, the system conditions including a characteristic of an operating system that is executing on the computer and;

transmitting the identified components to the computer via the network.

33. (Presently Amended) The method of Claim 32, additionally comprising receiving a configuration file that is associated with the request for the upgrade, the configuration file identifying said one or more components.

34. (Presently Amended) The method of Claim 32, additionally comprising associating an expiration time with the configuration file.

35. (Presently Amended) The method of Claim 34, additionally comprising :

determining whether the expiration time indicates that the configuration file has expired; and

stopping the identification step upon the determination that the configuration has expired.

36. (Presently Amended) The method of Claim 33, additionally comprising sending the configuration file to a component server, the component server performing the identifying step.

37. (Presently Amended) The method of Claim 33, additionally comprising sending at least some of the contents of the configuration file to a component server, the component server performing the identifying step.

38. (Presently Amended) A system for selecting components for installing, the system comprising:

a client computing device having a processor, a computer-readable storage medium and data communication subsystem; and

an upgrade manager executing on the client computing device, wherein the upgrade manager retrieves via the data communication subsystem a configuration file identifying one or more components, wherein the upgrade manager stores the configuration file in the computer-readable storage medium, and wherein the upgrade manager identifies one or more client conditions that are associated with the client computing device, the client conditions including features of an operating system that is executing on the client computing device, and wherein the upgrade manager generates an upgrade request that includes the contents of the configuration file and the client conditions including the type of operating system that is executing on the client computing device, the upgrade manager transmitting the upgrade request to a server computer and in response receiving components that have been selected based upon the contents of the configuration file and the type of operating system that is executing on the client computing device.

39. (Presently Amended) A system for selecting components for installation, the system comprising:

a server computer having a processor, a computer-readable storage medium and data communication subsystem; and

an upgrade handler residing in the computer-readable storage medium and executing on the server computer, the upgrade handler configured to identify the location of one or more components upon receiving via the data communication subsystem one or more system conditions of a client computing device, the system conditions including indications about an operating system that is executing on the client computing device, the identified components being compatible with the operating system that is executing on the client computing device, and the server computer transmitting the location of the identified components to the client computing device.

40. Cancelled.

41. (Presently Amended) A method of selecting components for installation on a computer, the method comprising:

determining one or more client conditions regarding the computer, the client conditions including one or more operating system components that are executing on the computer;

transmitting a request for the upgrade of one or more components to a server computer via a network, the request for upgrade including the determined client conditions; and

receiving the requested components, the components being compatible with the operating system that is executing on the computer;

installing one or more components on the computer.

42. (Previously Added) The method of Claim 41, additionally comprising:

Receiving a configuration file in response to the request for the upgrade, the configuration file being related to at least one of the components.

43. (Previously Added) The method of Claim 42, further comprising associating an expiration time with the configuration file.
44. (Previously Added) The method of Claim 42, further comprising:
determining whether the expiration time indicates that the configuration file has expired; and
stopping the identification step upon the determination that the configuration has expired.
45. (Previously Added) The method of Claim 42, additionally comprising:
sending the configuration file to a component server to identify one or more of the components.
46. (Previously Added) The method of Claim 42, additionally comprising:
sending at least some of the contents of the configuration file to a component server to identify one or more of the components.
47. (Previously Added) The system of Claim 19, wherein the client conditions include a user identification number that is associated with the user.
48. (Previously Added) The system of Claim 19, wherein the client conditions include a preferred language.
49. Cancelled
50. Cancelled
51. (Previously Added) The system of Claim 38, wherein the client conditions includes a user identification number that is associated with the user.

52. (Previously Added) The system of Claim 38, wherein the client conditions include a preferred language.

53. (Previously Added) The system of Claim 39, wherein the client conditions include a user identification number that is associated with the user.

54. (Previously Added) The system of Claim 39, wherein the client conditions include a preferred language.

55. Cancelled.

56. Cancelled.

57. (Newly presented) A data distribution network comprising:

a client computer operative to execute a computer operating system stored on a computer readable storage device communicatively coupled to the client computer and to store a client profile indicating a system resource condition for the client computer on the computer readable storage device;

a server computer communicatively coupled to the client computer via the network, the server computer associated with one or more installable software components and equipped to receive a request for an upgrade of one or more of the software components from the client computer;

a configuration file stored at the server computer that is accessible by the client computer, the configuration file identifying at least one upgradeable software component to be requested by the client computer as a software component to be upgraded;

an upgrade manager executing on the client computer, the upgrade manager configured to transmit information about the system resource condition of the client computer to the server computer via the network, the information about the system resource condition identifying software components of an operating system executing on the client computer; and

an upgrade handler executing on the server computer, the upgrade handler configured to identify the location of at least one upgradeable software component requested by the client computer as a software component to be upgraded based upon the request and the system resource condition of the client computer including the identified software components of the operating system that is executing in the client computer.

58. (Newly Presented) The computer system of Claim 57, wherein the upgrade manager parses the content of the configuration file and transmits the content to the upgrade handler.

59. (Newly Presented) A system for installing one or more streaming media associated files on a client computing device, the system including:

a client computing device communicatively coupled with a communications network, the client computing device identifying one or more client conditions including operating system components that are executing on the client computing device;

a configuration computer communicatively coupled to the client computing device via the network to provide the client computing device with access to a configuration file identifying at least one of the operating system components as having an upgraded version available for download by the client computing device upon request; and

a component server for receiving a request from the client computing device requesting an upgraded version of one or more operating system components as well as a representation of the client conditions and the configuration file from the client computing device, and in response the component server identifying to the client computing device the location of one or more streaming media components other than the requested one or more operating system components that are also determined to be necessary for operation of the requested one or more operating system components by the client computing device, the streaming media components determined based

upon the operating system components identified by the configuration file and based upon the client conditions including the operating system components that are executing on the client computing device.

60. (Newly Presented) The system of Claim 59, wherein the configuration file identifies one or more streaming media components.

61. (Newly Presented) A client computing device comprising:
a processor, a computer-readable storage medium and data communication subsystem; and
an upgrade manager stored on the computer-readable storage medium and operable to:
retrieve via the data communication subsystem a configuration file identifying one or more software components for which an upgrade is available for download,
store the configuration file in the computer-readable storage medium,
identify one or more client conditions that are associated with the client computing device, the client conditions including features of an operating system that is executing on the client computing device,
generate an upgrade request that includes at least a portion of the contents of the configuration file and the client conditions including the type of operating system that is executing on the client computing device,
transmit the upgrade request to one or more of a plurality of server computers and in response, receive one or more components that have been selected by the client computing device and at least one component in addition to those selected based upon the contents of the configuration file and the type of operating system that is executing on the client computing device.

62. The client computing device of claim 61, wherein the one or more of a plurality of server computers are identified by the configuration file.

63. The client computing device of claim 61, wherein configuration file identifies one or more streaming media associated components for which an upgrade is available for download.

64. The client computing device of claim 61, wherein the at least one component in addition to those selected comprise streaming media associated components.